

REMARKS

Claims 1-37 are pending in this application. Claims 12-17 and 22-31 are withdrawn from consideration. Claims 5 and 26-31 have been canceled. Claims 1-4, 6-11, 18-21, and 32-37 have been examined. Claims 1-4, 6-11, 18-21, and 32-37 stand rejected. Claims 1 and 32 have been amended. Reconsideration and allowance of Claims 1-4, 6-11, 18-21, and 32-37 is respectfully requested.

Interview Summary

Applicant and applicant's attorney thank the Examiner for granting an interview on July 5, 2006, and for her helpful comments and suggestions during the telephonic interview. The participants in the interview were Examiner Lori A. Clow, applicant and inventor Dr. Erik Gunther and applicant's attorney Tineka Quinton.

Examiner Clow suggested an amendment to Claim 1 and Claim 32 to replace the term "determining" with the phrase "performing an assay to obtain" in order to put the claims into compliance with 35 U.S.C. § 101. Applicants sent a proposed set of amended claims to Examiner Clow for review via email on July 5, 2006 and the Examiner indicated that the proposed amended claims would overcome the rejection under 35 U.S.C. § 101.

The Rejection of Claims 1-4, 6-11, 18-21, and 32-37 Under 35 U.S.C. § 101

Claims 1-4, 6-11, 18-21, and 32-37 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Independent Claim 1, from which Claims 2, 4, 6-9, and 18-21 depend, and independent Claim 32, from which Claims 34-37 depend, have been amended as suggested by the Examiner. Support for the amendments is found throughout the specification, for example, at page 7, lines 3-17, page 9, line 13 to page 10, line 10, and page 12, lines 11-23.

Applicant respectfully requests removal of this ground of rejection

Examination of Non-Elected Species

In the election requirement mailed September 22, 2003, Claims 1-4, 6-8, and 18-21 were found to be generic. The species "polynucleotide acid microarrays" was elected for initial examination. Applicant respectfully submits that the pending claims are allowable with respect to polynucleotide acid microarrays, and requests rejoinder of withdrawn Claims 12-17 and 22-25.

CONCLUSION

In view of the foregoing amendment and remarks, the application is believed to be in condition for allowance. If any issues remain that can be expeditiously addressed in a telephone interview, the Examiner is encouraged to telephone applicant's attorney at 206.695.1655.

Respectfully submitted,

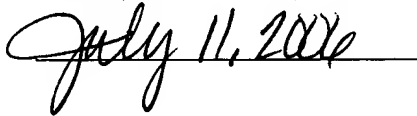
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